

The Honorable Brian A Tsuchida

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UPSTART GROUP, LLC, a Washington  
limited liability company,

Plaintiff,

v.

THE UPSTART GROUP, INCORPORATED,  
an Illinois corporation,

Defendant.

No. 2:19-CV-01290-RAJ-BAT

STIPULATED MOTION FOR  
MODIFICATION OF THE  
NOVEMBER 9, 2021 ORDER  
SETTING PRETRIAL SCHEDULE

NOTE ON MOTION CALENDAR:  
January 11, 2022

Plaintiff Upstart Group, LLC and Defendant The Upstart Group, Incorporated,  
respectfully request that the November 9, 2021 Order Setting Pretrial Schedule (Dkt. 53) be  
modified to extend the deadlines for joining additional parties and for amending pleadings to  
March 14, 2022.

Defendant served written responses to Plaintiff's First Set of Interrogatories and First  
Set of Requests for Production (collectively, the "Discovery Requests") on October 29, 2021.  
The parties have met and conferred regarding the status of Defendant's production of  
documents responsive to the Discovery Requests and Defendant has asked Plaintiff to allow  
Defendant additional time to produce the responsive documents, representing that Defendant is  
currently in the midst of a corporate transaction that has impacted the availability of  
Defendant's personnel. Plaintiff has offered to allow Defendant additional time to produce its  
responsive documents if Defendant consents to, and the Court finds acceptable, a request for an

extension of the deadlines to join additional parties and to amend the pleadings, so as to ensure that Plaintiff receives and has an adequate opportunity to review Defendant's production sufficiently in advance of the deadline to amend or join.

Accordingly, the parties jointly move to extend, subject to the Court's acceptance and approval, the deadlines to join additional parties and for amending pleadings to **March 14, 2022**. This is the first request by either party for modification of the November 9, 2021 Order. The parties' requested modification would not impact the remaining deadlines in the November 9, 2021 Order, which would remain as previously set, as follows:

Event	As Currently Set	Proposed
Deadline for joining additional parties	<b>January 31, 2022</b>	<b>March 14, 2022</b>
Deadline for amending pleadings	<b>January 31, 2022</b>	<b>March 14, 2022</b>
Reports of expert witnesses per FRCP 26(a)(2) due	<b>June 19, 2022</b>	<b>June 19, 2022</b>
Reports of rebuttal expert witnesses per FRCP 26(a)(2)	<b>July 19, 2022</b>	<b>July 19, 2022</b>
All motions related to discovery must be noted for consideration no later than	<b>July 22, 2022</b>	<b>July 22, 2022</b>
Discovery to be completed by	<b>August 19, 2022</b>	<b>August 19, 2022</b>
All dispositive motions must be filed pursuant to CR 7(d)	<b>September 16, 2022</b>	<b>September 16, 2022</b>
All <i>Daubert</i> motions must be filed by (same as dispositive)	<b>September 16, 2022</b>	<b>September 16, 2022</b>
Mediation per CR 39.1(c)(3) held no later than	<b>September 23, 2022</b>	<b>September 23, 2022</b>

1 Dated this 11th day of January, 2022.

Respectfully Submitted,

2 DAVIS WRIGHT TREMAINE LLP

WALKER MORTON, LLP

3 /s/ Steven E. Klein

/s/ Robert H. Smeltzer

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12 UPSTART GROUP LLC

Attorneys for Defendant  
THE UPSTART GROUP INCORPORATED

14 IT IS SO ORDERED, this 12th day of January, 2022.

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17 BRIAN A. TSUCHIDA  
18 United States Magistrate Judge